IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

WILLIE TAYLOR, III §

VS.

§ CIVIL ACTION NO. 1:09cv964

JOHN B. FOX, ET AL.

MEMORANDUM ORDER ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Petitioner Willie Taylor, III, an inmate at the Federal Correctional Complex in Beaumont, Texas, proceeding *pro se*, brought this petition for writ of mandamus pursuant to 28 U.S.C. § 1651.

The court referred this matter to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends that the petition be dismissed without prejudice.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties. Further, a review of the Bureau of Prisons Inmate Locator website reveals petitioner is no longer confined in the Bureau of Prisons; thus, the petition is moot. *See* http://www.bop.gov/iloc2/LocateInmate.jsp.

ORDER

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendations.

So ORDERED and SIGNED this 20 day of August, 2010.

Ron Clark, United States District Judge

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The court notes that petitioner's failure to exhaust administrative remedies is clear on the face of the petition as to allow the *sua sponte* dismissal of the petition. *See Carbe v. Lappin*, 492 F.3d 325, 327-28 (5th Cir. 2007).